

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

UNIVERSITY OF TENNESSEE RESEARCH)
FOUNDATION and SAINT MATTHEW)
RESEARCH, LLC,)

Plaintiffs,

v.

HEWLETT PACKARD ENTERPRISE)
COMPANY and HP ENTERPRISE)
SERVICES, LLC)

Defendants.

Civil Action No. 3:17-cv-00185-HSM-CCS

JOINT STIPULATION AND MOTION TO DISMISS
HP ENTERPRISE SERVICES, LLC

WHEREAS, the University of Tennessee Research Foundation (“UTRF”) and Saint Matthew Research, LLC (“SMR”) (collectively, “Plaintiffs”) filed a lawsuit naming as defendants HP Enterprise Services, LLC (“HPES”), and Hewlett Packard Enterprise Company (“HPE”) in the U.S. District Court for the Eastern District of Tennessee, captioned University of Tennessee Research Foundation, et al., v. Hewlett Packard Enterprise Company, et al., Case No. 3:17-cv-00185 (“the Case”);

WHEREAS, Plaintiffs’ complaint identifies certain products, *see* Dkt. 1 ¶¶ 56, 85, 108, 126, of infringing the patents-in-suit (“the Accused Products”);

WHEREAS, HPES does not currently exist, but rather was a subsidiary of HPE whose name was changed to Enterprise Services LLC (“ES”) and then spun off and merged with an independent company to form a new independent company, DXC Technology Company (“DXC”), prior to the filing of the Case;

WHEREAS, DXC and ES do not develop, make, or sell the Accused Products and are third parties to the Case;

AND WHEREAS, Plaintiffs and HPE wish to streamline the Case by dismissing unnecessary parties, Plaintiffs and HPE agree as follows:

1. HPE stipulates as follows:

- a. HPE is responsible for developing, making, and selling the Accused Products and is correctly named as a defendant for the allegations presently in Plaintiffs’ complaint; and
- b. HPE will not use the dismissal of HPES from the Case as a basis for opposing discovery of information in HPE’s possession, custody, or control. HPE reserves all other objections.

2. Based on HPE’s stipulations above, Plaintiffs hereby move to dismiss HPES without prejudice as a defendant in the Case.

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